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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/014,258

Applicant(s)

DIMITROVA ET AL.

Examiner

FARZANA E. HOSSAIN

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-20 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-20 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 01/15/2008. Claims 1, 6, 15, 20, 28 and 30-32 are previously presented. Claims 2-5, 9-14, 16-19, 23-27, 29 are original. Claims 7, 8, 21 and 22 are cancelled.

Response to Arguments

2. Applicant's arguments filed 01/15/2009 have been fully considered but they are not persuasive.

Regarding the 112 rejection, the applicant refers to several sections within his specification. The applicant is stating that search engines are providing sites limited to only participating online stores and that current online shopping agents lack functionality of recommending to the consumer based on his/her preferences other products which are similar to the one request (Page 3, lines 13-20) and that the search by utilizing a list of websites which are categorized according to the source for example at least three such groups of websites can exist: user's custom list, advertiser's list based on metadata provided by the advertisers and system generated list which could be based on the user's shopping habits and periodically updated by a robot (Page 18, lines 7-15).

In response to the argument, the provided sections do not say that the source is NOT associated with a source of the video program. The applicant is in fact arguing that

there is no association or relation with the broadcaster. The specification even discloses "categorized according to the source" which includes associated with the source of the video program. The argument the applicant seems to make is that other retailers are associated with the broadcaster because the website is provided by the broadcaster. The cited sections state that a search can be from three groups: a list of websites which can be from a user's custom list, advertiser's list based on metadata and an updated list. There is nothing in the specification that states that user's custom list, advertiser's list and the updated list is not associated with a source of the broadcaster. The background simply states that old system of online participating stores and the broadcaster was not acting on behalf of consumer.

3. Applicant's arguments filed 01/15/2009 have been fully considered but they are not persuasive.

Regarding the prior art rejections, the applicant states that it is undisputed that Huber does not disclose or suggest performing a search to identify data related to the selected product including at least one source not associated with a source of the video program (Page 15). The applicant argues that Yen does not disclose performing a search to identify related product including at least one source not associated with a source of the video program or local retailers for an advertised product are not associated with the broadcast station as they are searched based on a product after selection from an advertisement of the manufacturer of the product such as Ford vehicles (Pages 15-16). The applicant then cited the first sentence of paragraph cited

and does not see how the Office Action interpreted the hypertext link to a website provided by the broadcast is not a search of a source associated with the broadcaster, since the broadcaster providing the hypertext link (Page 16).

In response to the arguments, Yen discloses performing a search to identify data related product including at least one source not associated with a source of the video program or local retailers for an advertised product are not associated with the broadcast station as they are searched based on a product after selection from an advertisement of the manufacturer of the product such as Ford vehicles (Column 11, lines 20-41). The examiner requests the applicant read the section from Column 11, lines 25-31, which states any other directive to search for local retailers for that product. The local retailers are a source that is not associated with the broadcaster as the hypertext link is source associated with the broadcast and the local retailers are provided via search. Also, the website can provide a link to the Ford's website for a Ford pick up truck and the Ford website is associated with the source of the program, but the advertiser's list with pick up truck comparisons search for a selected product is provided by the website and therefore is not associated with the source of the website (Column 11, lines 24-27).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The independent claims contain the limitation "performing a search to identify data related to the selected product including at least one source not associated with a source of said video program." This subject matter is not found in the specification or in the section referenced by the applicant in the remarks provided by the user.

Claim Rejections - 35 USC § 101

6. Claims 1-6, 9-14, 28-30 and 32 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

A device mentioned in the preamble without tying the steps of the claim back to the device of the preamble.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 9, 10, 12, 13, 15-19, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber et al (US 2002/0120935 and hereafter referred to as "Huber") in view of Yen et al (US 6,668,278 and hereafter referred to as "Yen").

Regarding Claims 1 and 15, Huber discloses a method of and a system for performing a transaction using a video device, the method comprising the steps of and the system comprising: a set top box (STB) for acquiring a video signal containing a video program (Page 1, paragraph 0011); the STB including a memory or storage (Page 1, paragraph 0001, Page 3, paragraph 0020), a processor or a processing element as processing occurs to offer products to the users based on the user's preferences and history (Page 3, paragraph 0031) and an input/output means associated therewith for transferring the signal or input and output means of a set top box or personal computer which receives broadcast signals and responds to advertisements or products (Pages

1-2, paragraphs 0014), the processor capable of: extracting from the video signal video enhanced content information of at least one marked product present on the video program (Page 3, paragraphs 0028-0031); performing a search to identify data related to the selected product the including at least one source (Page 1, paragraphs 0008, 00009, Page 2, paragraphs 0012, 0013, 0015, Page 3, paragraph 0020, Page 4, paragraph 0035); presenting to the user the video enhanced content information (Page 3, paragraphs 0031, Page 2, paragraphs 0012, 0013); receiving a selection of a marked product of interest (Page 2, paragraphs 0015, 0016); and providing the data that has been identified to a user of the video device (Page 1, paragraphs 0008, 0009, Page 2, paragraphs 0012, 0015); a video device operatively coupled with the STB for displaying the video program, video enhanced content information and identified data to the user (Pages 1-2, paragraphs 0011); and a input device operatively associated with the STB for controlling the STB (Page 2, paragraph 0015). Huber is silent on a source not associated with the source of the video.

Yen discloses performing a search to identify data related product including at least one source not associated with a source of the video program or local retailers for an advertised product are not associated with the broadcast station as they are searched based on a product after selection from an advertisement of the manufacturer of the product such as Ford vehicles (Column 11, lines 20-41). Therefore, it would have been obvious to one of ordinary skill in the art to modify Huber to include performing a search to identify data related product including at least one source not associated with a source of the video program or local retailers for an advertised product are not

associated with the broadcast station as they are searched based on a product after selection from an advertisement of the manufacturer of the product such as Ford vehicles (Column 11, lines 20-41) as taught by Yen to provide a way to make it easier for the user to be engaged with the selected product (Column 11, lines 42-55) as disclosed by Yen and to make it more convenient for the user to buy products without having to provide information every time.

Regarding Claims 2 and 16, Huber and Yen disclose all limitations of Claims 1 and 15 respectively. Huber discloses the video signal includes metadata or data about the data including seller information or information about the product (Pages 1-2, paragraphs 0011, 0013).

Regarding Claims 3 and 17, Huber and Yen disclose all limitations of Claims 1 and 15 respectively. Huber discloses the processor is further capable of purchasing the selected product (Page 2, paragraphs 0029).

Regarding Claims 4 and 18, Huber and Yen disclose all limitations of Claims 1 and 15 respectively. Huber discloses filtering the video enhanced content information based on stored preferences customized by at least one user (Pages 1-2, paragraphs 0011, Page 3, paragraph 0031).

Regarding Claims 5 and 19, Huber and Yen disclose all limitations of Claims 4 and 18 respectively. Huber discloses that the user's preferences include values and life style of the user (Page 2-3, paragraphs 0019, 0031).

Regarding Claims 9 and 23, Huber and Yen disclose all limitations of Claims 1 and 15 respectively. Huber discloses searching sources from at least one predetermined list for a particular category (Page 2, paragraphs 0012-0013).

Regarding Claims 10 and 24, Huber and Yen disclose all limitations of Claims 1 and 15 respectively. Huber disclose a source for the video signal, the video signal source being selected from a group consisting of a broadcasting system, a service provider and a set top box (Pages 1-2, paragraph 0011).

Regarding Claims 12, Huber and Yen disclose all limitations of Claim 1. Huber discloses receiving and analyzing transaction related information from the user or purchase history (Page 3, paragraph 0031).

Regarding Claims 13 and 26, Huber and Yen disclose all limitations of Claims 1 and 15 respectively. Huber discloses periodically monitoring the content information and triggering an action based on user's preferences (Page 3, paragraphs 0031).

9. Claim 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Yen, as applied to Claims 1 and 15 further in view of Tavor et al (US 6,553,347 and hereafter referred to as "Tavor").

Regarding Claims 6 and 20, Huber and Yen disclose all limitations of Claims 1 and 15 respectively. Huber discloses the identified data includes a source of the product of interest (Page 2, paragraphs 0012-0013). Huber is silent on the step of negotiation with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source and outputting the results of the negotiation. Tavor discloses negotiating with the product

source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source (Column 4, lines 20-40, Column 6, lines 28-34, 51-60) and outputting the results of the negotiation (Column 6, lines 28-34, 51-60). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify Huber to include negotiating with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source (Column 4, lines 20-40, Column 6, lines 28-34, 51-60) and outputting the results of the negotiation (Column 6, lines 28-34, 51-60) as taught by Tavor in order to allow the user to feel like they are in a real shop 24 hours a day even if negotiating is performed electronically (Column 1, lines 9-50) as disclosed by Tavor.

10. Claims 11, 14, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Yen as applied to Claim 1 and 15 further in view of Shoff et al (US 2005/0015815 and hereafter referred to as "Shoff").

Regarding Claims 11 and 25, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses selectable regions (Page 2, paragraphs 0012-0014). Huber is silent on video signal is separate into a plurality of frames, each frame from at least a portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step. In analogous art, Shoff discloses video signal is separate into a plurality of frames (Page 6, paragraph 0067, Page 7, Table 1, Page 8, Table 2), each frame from at least a

portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step (Page 6, paragraph 0067, Figures 8a, 8b, 8c, Page 7, Table 1, Page 8, Table 2). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify Huber to include video signal is separate into a plurality of frames (Page 6, paragraph 0067, Page 7, Table 1, Page 8, Table 2), each frame from at least a portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step (Page 6, paragraph 0067, Figures 8a, 8b, 8c, Page 7, Table 1, Page 8, Table 2) as taught by Shoff in order to synchronizes the supplemental content to the program (Page 6, paragraph 0067) as disclosed by Shoff.

Regarding Claims 14 and 27, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses making personalized products best reflecting the customer's preferences (Page 3, paragraphs 0031). Huber does not explicitly disclose a catalog. In analogous art, Shoff disclose presenting merchandise in a merchandise catalog or in reference to the customer choosing to view merchandise (Page 6, paragraph 0076, Page 7, paragraph 0080). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify Huber to include video signal is separate into a plurality of frames (Page 6, paragraph 0067, Page 7, Table 1, Page 8, Table 2), each frame from at least a portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step (Page 6, paragraph 0067, Figures 8a, 8b, 8c,

Page 7, Table 1, Page 8, Table 2) as taught by Shoff in order to control the presentation of the merchandise with the program (Page 1, paragraph 0013, Page 2, paragraph 0020) as disclosed by Shoff.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Yen and Tavor.

Regarding Claim 28, Huber discloses a method of performing a transaction using a video device, the method comprising the steps of: acquiring a video signal containing a video program (Figures 1, 2, 3); customizing preferences for at least one user (Page 2, paragraphs 0012, 0015, 0016); extracting from the video signal video enhanced content information representative of at least one product presented on the video program (Page 3, paragraphs 0028-0031); filtering the video enhanced content information based on the preferences (Page 3, paragraphs 0028-0031, Pages 1-2, paragraphs 0007-0011); presenting to the user the filtered video enhanced content information (Page 2, paragraph 0015); receiving a selection of a product of interest (Pages 1-2, paragraph 0011); performing a search to identify a source of the selected product though at least one predetermined list of information sources for a particular category (Page 2, paragraphs 0012-0013, Page 4, paragraph 0035); allowing the user to authorize purchasing of the selected product or user is selecting to purchase the product (Pages 3, paragraphs 0028-0031), providing feedback information to the user or performing a check to determine if at least one version of product exists using preference information (Page 2, paragraphs 0016, 0018 Page 3, paragraphs 0028);

completing a purchase transaction for the selected product (Page 3, paragraphs 0029). Huber discloses making purchases (Figures 1-3).

Huber is silent on a source not associated with the broadcaster, negotiation with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product; outputting results of the negotiation; allowing the user to authorize purchasing of the selected product; and receiving and analyzing satisfaction response from the user. Yen discloses performing a search to identify data related product including at least one source not associated with a source of the video program or local retailers for an advertised product are not associated with the broadcast station as they are searched based on a product after selection from an advertisement of the manufacturer of the product such as Ford vehicles (Column 11, lines 20-41). Tavor discloses in the negotiation with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product (Column 4, lines 20-40, Column 6, lines 28-34, 51-60); outputting results of the negotiation (Column 6, lines 28-34, 51-60); prioritizing the results of the negotiations based on predetermined factors including price (Column 7, lines 1-5, Column 8, lines 38-56, Column 5, lines 51-63); allowing the user to authorize purchasing of the selected product (Column 5, lines 64-67, Column 6, lines 1-12), receiving and analyzing satisfaction response from the user (Column 17, lines 4-45). Therefore, it would have been obvious to one of ordinary skill in the art to modify Huber to include performing a search to identify data related product including at least one

source not associated with a source of the video program or local retailers for an advertised product are not associated with the broadcast station as they are searched based on a product after selection from an advertisement of the manufacturer of the product such as Ford vehicles (Column 11, lines 20-41) as taught by Yen to provide a way to make it easier for the user to be engaged with the selected product (Column 11, lines 42-55) as disclosed by Yen and to make it more convenient for the user to buy products without having to provide information every time. Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify the combination to include negotiation with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product (Column 4, lines 20-40); outputting results of the negotiation (Column 6, lines 28-34, 51-60); prioritizing the results of the negotiations based on predetermined factors including price (Column 7, lines 1-5, Column 8, lines 38-56, Column 5, lines 51-63); allowing the user to authorize purchasing of the selected product (Column 5, lines 64-67, Column 6, lines 1-12), receiving and analyzing satisfaction response from the user (Column 17, lines 4-45) as taught by Tavor in order to allow the user to feel like they are in a real shop 24 hours a day even if negotiating is performed electronically (Column 1, lines 9-50) as disclosed by Tavor.

12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Yen and Tavor as applied to claim 28 above, and further in view of Kitsukawa et al (US 2002/0059590 and hereafter referred to as "Kitsukawa").

Regarding Claim 29, Huber, Yen and Tavor disclose all limitations of Claim 28. Huber, Yen and Tavor are silent on storing the video signal in a storage device. In analogous art, Kitsukawa discloses storing the video signal in a storage device or the video is recorded (Pages 3-4, paragraph 0036). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify the combination to include storing the video signal in a storage device or the video is recorded (Pages 3-4, paragraph 0036) as taught by Kitsukawa in order to allow the user to watch a program at a later time (well known in the art) to be able to make purchases from the products advertised in the program (Page 6, paragraphs 0058, 0060) as disclosed by Kitsukawa that had not been watched when broadcasted.

13. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Yen as applied to Claims 1 and 15, further in view of Rebane (US 2003/0130983).

Regarding Claims 30 and 31, Huber and Yen disclose all limitations of Claims 1 and 15 respectively. Huber discloses that a product is determined to check if available in different versions or product varieties (page 2, paragraph 0016). Huber is silent on prioritizing the identified data based on availability. In analogous art, Rebane discloses a system prioritizing results of the search performed based on availability (Page 19,

paragraph 0241). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huber to prioritize results of the search performed based on availability (Page 19, paragraph 0241) as taught by Rebane in order to provide a user with an improved system of data with the most up to date product information based on the need of the consumer and to provide them with options so they can make the best decisions when doing business online (Page 1, paragraph 0005) as disclosed by Rebane.

14. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Yen and Tavor as applied to claim 28 above, and further in view of Rebane.

Regarding Claim 32, Huber and Yen and Tavor discloses all limitations of Claim 28. Huber discloses that a product is determined to check if available in different versions or product varieties (page 2, paragraph 0016). Huber, Yen and Tavor are silent on prioritizing the identified data based on availability. In analogous art, Rebane discloses a system prioritizing results of the search performed based on availability (Page 19, paragraph 0241). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to prioritize results of the search performed based on availability (Page 19, paragraph 0241) as taught by Rebane in order to provide a user with an improved system of data with the most up to date product information based on the need of the consumer and to provide them with options so they can make the best decisions when doing business online (Page 1, paragraph 0005) as disclosed by Rebane.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday 7:30 am to 2:30 pm, Tuesday, Thursday and Friday 7:30 am to 4:30 pm and Wednesday 7:30 am to 12:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424

Application/Control Number: 10/014,258

Page 18

Art Unit: 2424

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March 16, 2009